

EMPLOYEE/MANAGEMENT RELATIONS

1. REASON FOR ISSUE: To clarify individuals and actions covered or excluded by Title 38 Probationary Period procedures.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook describes the specific types of probationary employees and employment actions covered by provisions of Part III, Chapter 1 of this handbook. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5021, that is maintained on the [Office of Human Resources Management Web site](#). Significant changes include:

- a. Clarification that separation of a part-time registered nurse (RN) upon the expiration of a time limited appointment is not subject to a summary review by a Professional Standards Board (PSB) if he/she has completed less than two years of service at the time of the appointment's expiration and has not previously completed a Title 38 probationary period as described in VA Handbook 5005.
- b. Clarifies that RNs appointed as full-time temporary employees are excluded from the provisions of Part III, chapter 1 of this handbook.
- c. Clarification that applicable provisions of Part VI of this handbook may be used to separate a probationary Title 38 employee instead of the provisions of Part III, chapter 1, if applicable.

3. RESPONSIBLE OFFICE: The Human Resources Management Employee Relations and Performance Management Service (051), Office of the Deputy Assistant Secretary for Human Resources and Labor Relations.

4. RELATED DIRECTIVE: VA Directive 5021, "Employee/Management Relations."

5. RESCISSIONS: None.

CERTIFIED BY:

/s/
LaVerne H Council
Assistant Secretary for
Information and Technology and
Chief Information Officer

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
Gina S. Farrisee
Assistant Secretary for Human
Resources and Administration

PART III. PROBATIONARY PERIOD ACTIONS

CHAPTER 1. TITLE 38 PROBATIONARY EMPLOYEES

1. SCOPE. This chapter contains the policy and procedures needed for taking actions against title 38 employees serving on a probationary period under 38 United States Code (U.S.C.) 7403(b) in the Department of Veterans Affairs (VA). [] The [] Under Secretary for Health's designee refers to a designee in VA Central Office.

[a. Individuals covered by these procedures include the following unless the individual is excluded under paragraph b. or the action is excluded under paragraph c., below:

(1) Physicians, dentists, podiatrists, chiropractors, optometrists, nurses, nurse anesthetists, physician assistants, and expanded-function dental auxiliaries appointed under 38 U.S.C. 7401(1);

(2) Part-time registered nurse serving on a temporary or permanent appointment under 38 U.S.C. 7405(a)(1)(A). (See exception below.) Part-time includes those registered nurses assigned to an intermittent tour of duty;

b. Individuals excluded:

(1) Employees appointed under 38 U.S.C., chapter 3, 38 U.S.C. 7306, or 38 U.S.C. 7401(3);

(2) Employees appointed under 38 U.S.C. 7405, except part-time registered nurses serving on a temporary or permanent appointment;

(3) Employees appointed under 38 U.S.C. 7406;

(4) Individuals occupying positions described in 38 U.S.C. 7405(g)(3).

c. Actions excluded:

(1) Separation of a registered nurse who is serving on a temporary full-time appointment under 38 U.S.C. 7405;

(2) Separation of a temporary part-time registered nurse appointed under 38 U.S.C. 7405 with an established not-to-exceed date (NTE) of less than two years, who is being separated on the NTE date, and who has not completed a two-year probationary period (See VA Handbook 5005, Part II, chapter 3.);

(3) Separation of an intermittent temporary registered nurse appointed under 38 U.S.C. 7405 appointment with an established NTE, who is being separated on the NTE date, and who has not completed a probationary period. (See VA Handbook 5005, Part II, chapter 3.)

(4) Separation under provisions of Part VI of this handbook, if applicable.]

2. RESPONSIBILITIES

a. VA Central Office Assignments

- (1) **Authorizing Official.** Appropriate service director and equivalent positions or above
- (2) **Review Board.** Appropriate Central Office Professional Standards Board (PSB)

b. Facility Director

- (1) **Authorizing Official.** Network Director
- (2) **Review Board.** Appropriate Central Office PSB

c. Chief of Staff

- (1) **Authorizing Official.** Facility Director
- (2) **Review Board.** Appropriate Central Office Board

d. Facility Employees, except Assistant/Associate Chiefs, Nursing Service

- (1) **Authorizing Official.** Appropriate Service Chief (or equivalent)
- (2) **Review Board.** Local PSB

e. Assistant/Associate Chiefs, Nursing Service

- (1) **Authorizing Official.** Chief, Nursing Service
- (2) **Review Board.** VISN Nurse PSB